

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ETHAN ALLEN GLOBAL, INC.

Plaintiff,

v.

PEOPLES AMERICANA, INC.,
JJ PEOPLES, VAN DEWALD, and
HERSCHEL D. PRUITT

Defendants.

Case No. 07 Civ 7389 (JES)

AUGUST 20, 2007

AFFIRMATION OF ERIKA L. AMARANTE

Pursuant to 28 U.S.C. § 1746, I, ERIKA L. AMARANTE, make this unsworn declaration under penalty of perjury and state as follows:

1. I am over the age of 18 years, understand the meaning and obligations of an oath, and am competent to testify in the matters set forth in this affirmation.
2. I make this affirmation based on my own personal knowledge.
3. I am a partner in the law firm of Wiggin and Dana LLP, which serves as legal counsel to Ethan Allen Global, Inc. ("Ethan Allen"), the plaintiff in this action.
4. On August 17, 2007, I sent, via email and fax, a cease and desist letter to the defendants in the action and to an attorney known to represent Defendant DeWald (Attorney Thomas Kowalski of Frommer Lawrence & Hoag LLP). A copy of that letter is attached to the Verified Complaint as Exhibit C. For the Court convenience, a copy of that letter, as well as my August 17 emails and the fax confirmation sheets confirming receipt, are attached to this Affidavit as Exhibit A. I did not receive any response to that letter.

5. On August 19, 2007, I sent via email a copy of the Verified Complaint with attachments, the Affidavit of Jack DeKorne with attachments and the Plaintiff's Motion for Emergency Ex Parte Temporary Restraining Order and Order to Show Cause for Preliminary Injunction to the defendants and Attorney Kowalski. A copy of that email is attached to this Affidavit as Exhibit B.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2007.

A handwritten signature in black ink, appearing to read 'Erika L. Amarante', written over a horizontal line.

Erika L. Amarante